

Council Reform Referrals and Progress Summary

- March 21, 2006* The City Council directed staff to develop a work plan for implementing 22 Sunshine reform measures and directed staff to return in two weeks with a recommendation on how to engage the public in the process.
- April 18, 2006* The City Council approved formation of a *Sunshine Reform Task Force* (Task Force) to review proposals forwarded by the City Council, as well as any additional proposals that the Task Force deems appropriate, and to make recommendations to the City Council regarding their adoption and implementation.
- May 23, 2006* The City Council referred eight proposals to the Task Force and directed staff to proceed with a pilot program to implement 14 proposals.
- May 23, 2006* The City Council approved adding to the Taskforce Work Plan a discussion of what is filmed and archived on the City's television station i.e. Planning, Commission, other committees, (Council Meeting, Item 3.4).
- June 6, 2006* The City Council directed staff to forward to the Task Force for their discussion the issue of releasing to the public closed session information and/or materials (Council Meeting, Item 3.2(b)(1)(a)(2)).
- June 14, 2006* The Task Force convened first meeting.
- July 20, 2006* The Task Force established its work plan for a proposed Sunshine Ordinance and agreed to accept all new proposals by Council members, Task Force members, and the public until August 31, 2006.
- July 26 –
Aug. 31, 2006* The Task Force invited public proposals.
- June 27, 2006* The City Council approved referral of the definition of "contacts" by registered lobbyists to the Task Force to determine whether further differentiation between types of contacts and additional information is warranted in the disclosure documents now required of lobbyists (Council Meeting, Item 3.12).
- Sep. 12, 2006* The Task Force began deliberating draft components of a proposed ordinance.
- Attachments:**
- Attachment 1. List of Council Reforms referred to both staff for implementation and to the Task Force to review and make recommendations to the City Council regarding their adoption and implementation.
- Attachment 2. March 8, Council report recommending original 22 Sunshine Reforms.

Attachment 1



Council Action
May 23, 2006
Report back
November 2006

[Click here for the March 8, Council report recommending the original 22 Sunshine reforms.](#)

Reforms Referred for Implementation

Public Information Reforms

1. Establish a single City of San Jose's Master On-line Calendar where all city activities, events and meetings of committees, boards, commissions and advisory bodies and events are posted.
2. A detailed accounting of all City contracts and expenditures of \$1 million or more shall be made available to the City Council and public, on-line, no later than 2 weeks prior to being heard. Otherwise, a 2/3 majority vote of the Council would be required to hear an item that was received less than 2 weeks prior to the hearing.
3. Disclose statistical information on complaints received through the Fraud and Audit Hotline, excluding names and any other confidential information. This information should be reported to the Council.
4. Require councilmember and appointee Fair Political Practices Commission Form 700 filings (after redacted personal contact information) and Conflict of Interest declarations to be posted and indexed online, including all conflicts outside of the City of San José's jurisdiction.
5. Any councilmember claiming a conflict of interest on a vote must publicly disclose the basis of the claim by filing a conflict of interest declaration with the City Attorney and City Clerk 24 hours prior to start of the council meeting at which the item will be heard.
6. Disclose the calendars of the Mayor and Councilmembers quarterly, redacted for personal information.
7. Establish criteria that can be used by the Rules committee to determine if an item is of "significant public interest" and requires additional notification or public outreach consistent with definitions and procedures outlined in City Council Policy 6-30 "Public Outreach Policy for Pending Land Use and Development Proposals."
8. Post the City Council Policy Manual on-line.

Neighborhood Participation Reforms

9. Provide an annual city-wide budget briefing followed by 4 budget hearings throughout San José, in order to encourage greater community contribution to established City priorities. Appropriate consideration shall be made to ensure that meetings are accessible to the residents of San José in relation to the time, date, and location of the hearings.
10. Require the City Council and Redevelopment Agency to hold Public Priority Setting Hearings in the beginning of odd years to coincide with City Councilmember appointments to standing committees.
11. Require notification to City commissions when items originating in the commission are being heard by the Council.
12. Expand the speaking time from 2 minutes to 4 minutes for "Neighborhood Group* or Community Association Designees***" (City Council Policy 6-30) or those subject to an eminent domain action, clarify the speaking time allowed to a representative from an advisory commissions, and create a strategy to address recently identified challenges to public participation for those with disabilities.

Government Accountability Reforms	
13.	City Manager and Department Staff Reports for expenditures of \$1 million or more and "Significant Public Interest" agenda items shall provide the following: (a). a new section entitled, "Policy Alternative Recommendations" that lists all the viable city staff options that have been discussed, but were not recommended by the City Manager or Department staff; (b). a brief description of the reasons the alternative was rejected, (c). a cost-benefit analysis and economic impact report to include, but not limited to, the following: how the expenditure aligns with and affects the City's policy goals, fiscal priorities, long term strategy, and economic development goals and priorities.
14.	Require every Staff memo to have a City staff contact for public questions.
Reforms Referred to Sunshine Reform Task Force	
Public Information Reform	
1.	Require a detailed line-item budget to be posted online and provided to the City Council as part of budget deliberations.
2.	All City Council agenda items and relevant background materials (items submitted as part of the public record) shall be posted on the Master On Line Calendar, referenced above, and indexed by 5:00 pm on the Thursday prior to the Council meeting at which the item will be heard. Councilmembers should make every effort to provide the Council and public with memoranda they generate by 5:00pm on the Monday prior to a public hearing.
3.	Documents subject to a public records request and made available to any member of the public, including the media, should simultaneously be made available to the public by posting on the City's website in the responsible department's public records web pages and indexed in a user-friendly way so that a search of the City website will find the public documents. If posting this information is administratively burdensome than instructions should be posted on-line for any member of the public who is interested getting the information directly from Clerk's office.
4.	All California Public Records Act (CPRA) and Freedom of Information Act (FOIA) requests shall be posted and indexed on the City website within 72 hours of receipt. Responses shall be posted within 30 days of release. If posting this information is administratively burdensome than instructions should be posted on-line for any member of the public who is interested getting the information directly from Clerk's office.
5.	To the extent that an RFQ has a land use component, there should be community representation included on the review panel. Community representatives would be appointed by the City Council. Recently, the City established the RFP integrity guidelines in an effort to strengthen the credibility of the City's RFP review process. Staff should explore other options for expanding neighborhood participation and ensuring transparency in this process.
Government Accountability Reform	
6.	The administration shall put forth a model of third-party/independent review, such as an Office of Management Budget (OMB)/Legislative Affairs Office (LAO), for Council items of "Significant Public Interest" in order to gain the benefits of comprehensive policy analysis.
7.	Research and report the cost of instituting/acquiring a City Service accountability model, such as CitiStat in Baltimore, MD, in time for FY 06-07 budget discussions. Special attention should be paid to San José's diversity and multiple language requirements, in order to make the information available and understandable to the greatest number of residents. See City Council Policy 6-30-Public outreach for definitions and procedures.
8.	City Council and committee meeting minutes must more accurately reflect the actual meeting discussions and public meeting videos should be immediately available after the meeting on the city web and for off site meetings or technical reasons not later than 3 days after the meeting.

Other Council Approved Referrals

1.	City Council referred the issue of salary disclosure to the Sunshine Reform Task Force, Milpitas' Post Public Records Act, May 2, 2006 Council Meeting.
2.	City Council approved adding to the Taskforce Work Plan a discussion of what is filmed and archived on the City's television station (i.e. Planning, Commission, other committees). May 23, 2006, Council Meeting, Item 3.4.
3.	City Council directed staff to forward to the Sunshine Reform Task Force for their discussion the issue of releasing to the public closed session information and/or materials. June 6, 2006, Council Meeting, Item 3.2(b)(1)(a)(2).
4.	City Council approved referral of the definition of "contacts" by registered lobbyists to the Sunshine Reform Task Force to determine whether further differentiation between types of contacts and additional information is warranted in the disclosure documents now required of lobbyists. June 27, 2006 Council Meeting, Item 3.12.



Memorandum

To: Mayor and City Council

From: Vice Mayor Cindy Chavez
Councilmembers Linda J. LeZotte,
Judy Chirco, and Nancy Pyle

Subject: Sunshine Reforms

Date: March 8, 2006

Approved:

Cindy Chavez *Judy Chirco* *LW for NP* *L. LeZotte*

Recommendation:

1. We recommend that the City Council discuss and receive public comment on the following Sunshine Reforms.
2. We further recommend that the City Council direct staff to develop a work plan for implementing the Sunshine Reforms and report back to the City Council with specific recommendations as soon as possible. The reforms are organized by subject matter, in order to offer staff a way to split the workload if necessary.

Public Information

1. Require a detailed line-item budget to be posted online and provided to the City Council as part of budget deliberations.
2. Establish a single City of San Jose's Master On-line Calendar where all city activities, events and meetings of committees, boards, commissions and advisory bodies and events are posted.
3. All City Council agenda items and relevant background materials (items submitted as part of the public record) shall be posted on the Master On-line Calendar, referenced above and indexed by 5:00 pm on the Thursday prior to the City Council meeting at which the item will be heard. Councilmembers should make every effort to provide the Council and public with memoranda they generate by 5:00pm on the Monday prior to a public hearing.

4. A detailed accounting of all City contracts and expenditures of \$1 million or more shall be made available to the City Council and public, on-line, no later than 2 weeks prior to being heard. Otherwise, a 2/3 majority vote of the Council would be required to hear an item that was received less than 2 weeks prior to the hearing.
5. Documents subject to a public records request and made available to any member of the public, including the media, should simultaneously be made available to the public by posting on the City's website in the responsible department's public records web pages and indexed in a user-friendly way so that a search of the city web site will find the public documents. If posting this information is administratively burdensome then instructions should be posted on-line for any member of the public who is interested in getting the information directly from Clerk's office.
6. All California Public Records Act (CPRA) and Freedom of Information Act (FOIA) requests shall be posted and indexed on the City website within 72 hours of receipt. Responses shall be posted within 30 days of release. If posting this information is administratively burdensome then instructions should be posted on-line for any member of the public who is interested in getting the information directly from Clerk's office.
7. Disclose statistical information on complaints received through the Fraud and Audit Hotline, excluding names and any other confidential information. This information should be reported to the Council.
8. Require Councilmember and appointee Fair Political Practices Commission Form 700 filings (after redacted personal contact information), and Conflict of Interest declarations (as outlined below) to be posted and indexed online, including all conflicts outside of the City of San Jose's jurisdiction.
9. Any Councilmember claiming a conflict of interest on a vote must publicly disclose the basis of the claim by filing a conflict of interest declaration with the City Attorney and City Clerk 24 hours prior to the council meeting at which the item will be heard.
10. Disclose the calendars of the Mayor and Councilmembers quarterly (redacted for personal information).
11. Establish criteria that can be used by the Rules Committee to determine if an item is of "significant public interest" and requires additional notification or public outreach consistent with definitions and procedures outlined in City Council Policy 6-30 (Public Outreach Policy for Pending Land Use and Development Proposals).
12. Post the City Council Policy Manual on-line.

Neighborhood Participation

1. To the extent that an RFQ has a landuse component, there should be community representation included on the review panel. Community representatives would be appointed by the City Council. Recently, the City established the RFP integrity guidelines in an effort to strengthen the credibility of the City's RFP review process. Staff should explore other options for expanding neighborhood participation and ensuring transparency in this process.
2. Provide an annual city-wide budget briefing followed by 4 budget hearings throughout San Jose, in order to encourage greater community contribution to establish City priorities. Appropriate consideration shall be made to ensure that meetings are accessible to the residents of San Jose in relation to the time, date, and location of the hearings.
3. Require the City Council and Redevelopment Agency to hold Public Priority Setting Hearings in the beginning of odd years to coincide with City Councilmember appointments to standing committees.
4. Require notification to City commissions when items originating in the commission are being heard by the Council.
5. Expand the speaking time from 2 minutes to 4 minutes for "Neighborhood Group or Community Association Designees" (City Council Policy 6-30) or those subject to an eminent domain action, clarify the speaking time allowed to a representative from an advisory commission, and create a strategy to address recently identified challenges to public participation for those with disabilities.

Government Accountability

1. The administration shall put forth a model of third-party/independent review, such as an Office of Management Budget (OMB)/Legislative Affairs Office (LAO), for Council items of "Significant Public Interest" in order to gain the benefits of comprehensive policy analysis.
2. Research and report the cost of instituting/acquiring a City Service accountability model, such as Citistat in Baltimore, MD, in time for FY 06-07 budget discussions. Special attention should be paid to San Jose's diversity and multiple language requirements, in order to make the information available and understandable to the greatest number of residents. See City Council Policy 6-30 - Public Outreach for definitions and procedures
3. City Manager and Department Staff Reports for expenditures of \$1 million or more and "Significant Public Interest" agenda items shall provide the following:
 - a. A new section entitled "Policy Alternative Recommendations" that lists all viable city staff options that have been discussed, but were not recommended by City Manager or Department staff

- b. A brief description of the reasons the alternative was rejected
 - c. A cost-benefit analysis and economic impact report to include, but not limited to, the following: how the expenditure aligns with and affects the City's policy goals, fiscal priorities, long-term strategy, and economic development goals and priorities.
4. Require every Staff memo to have a City staff contact for public questions.
 5. City Council and committee meeting minutes must more accurately reflect the actual meeting discussions and public meeting videos should be immediately available after the meeting on the city web and for off site meetings or technical reasons not later than 3 days after the meeting.

Background:

Over the past weeks, we have been contacted individually by our constituents regarding concerns they have with the state of City Hall decision making. Many who we have heard from are neighborhood leaders we have worked with for years to better our neighborhoods. While San Jose has a proud tradition of community partnership, the Strong Neighborhoods Initiative has empowered neighborhoods like never before. Our communities and neighborhood leaders have asked us to thoughtfully turn our focus inward to ensure that San Jose decisions are made in a transparent manner and with increased community involvement.

This sentiment is not unique to San Jose. In 2004, Californians approved Proposition 59, which amended the State's Constitution to increase the public's involvement in its government, including expanded public access to legislative meetings and public information. During this time, San Jose has taken steps to raise the standards by which we govern. The City has enacted initiatives to extend the public's oversight of government, create new opportunities for public access to information, and revise our gift ordinance and conduct policies.

After listening to our constituents, we realize that more must be done. It is our personal responsibility to fix our system. These recommendations offer practical solutions with clearly delineated lines by which to govern and begin the process of further connecting residents to their government and rebuilding public trust. By recommitting ourselves to higher standards, opening our process, and inviting greater public participation we take an important first step.